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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,546	11/26/2003	Robert E. Rodgers JR.	53358/P005US	9747

7590 10/04/2006

Thomas Kelton
Fulbright & Jaworski L.L.P.
Suite 2800
2200 Ross Avenue
Dallas, TX 75201

EXAMINER

CROW, STEPHEN R

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/723,546	RODGERS, ROBERT E.	
	Examiner	Art Unit	
	Steve R. Crow	3764	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Steve R. Crow. (3) Mark Delflache.
 (2) Robert Rodgers. (4) _____.

Date of Interview: 24 August 2006.

Type: a) ☐ Telephonic b) ☐ Video Conference
 c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: _____.

Claim(s) discussed: Claims of record. See the attached claims.

Identification of prior art discussed: Art of record.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Claim language was proposed to overcome potential rejections with respect to Lull, Ohrt, and the prior art.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

STEPHEN R. CROW
 PRIMARY EXAMINER
 ART UNIT 332

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

ATTACHMENT F

U.S. Serial No. 10/723,546
F&J Reference: P005US (10608114)
Client Reference: 908

598. (Proposed Amendment) A ~~variable stride~~ stationary exercise apparatus; comprising:

- a frame;
- a crank system coupled to the frame;
- ~~a movable member coupled to the crank system, wherein the movable member can travel in a substantially curvilinear path during use of the apparatus;~~
- ~~a foot member coupled to the movable member, wherein the foot member and the movable member are configured such that the user of the apparatus can selectively control the path of the foot member;~~
- ~~wherein the apparatus is configured such that a foot of the user can travel in a substantially curvilinear path during use of the apparatus; and~~
- ~~wherein the apparatus is configured such that at least a portion of the apparatus remains substantially stationary during use.~~
- a left arm link member coupled to the frame;
- a right arm link member coupled to the frame;
- a left foot member having a left foot pad and coupled to the left arm link member;
- a right foot member having a right foot pad and coupled to the right arm link member;
- a left articulating cam system comprising a left pivotal cam member having a left cam surface, said left articulating cam system operatively associated with the left foot member and the crank system so that said left cam surface is proximal to said left foot pad during operation of the apparatus allowing the left foot of the user to impart a force on the left foot member in cooperation with the left cam surface to vary the stride substantially instantaneously; and
- a right articulating cam system comprising a right pivotal cam member having a right cam surface, said right articulating cam system operatively associated with the right foot member and the crank system so that said right cam surface is proximal to said right foot pad during operation of the apparatus allowing the right foot of the user to impart a force on the right foot member in cooperation with the right cam surface to vary the stride substantially instantaneously.
- wherein the apparatus is configured such that the feet of the user may travel in a substantially closed path.

769. (New) A stationary exercise apparatus comprising:

- a frame;

- a crank system coupled to the frame;

- a left arm link member coupled to the frame;

- a right arm link member coupled to the frame;

- a left movable member coupled to the crank system;

- a right movable member coupled to the crank system;

- a left pivotal member having a left cam surface and pivotally connected to the left movable member;

- a right pivotal member having a right cam surface and pivotally connected to the right movable member;

- a left foot member having a left cam follower wherein the left cam follower moves along the left cam surface during operation of the apparatus; and

- a right foot member having a right cam follower wherein the right cam follower moves along the right cam surface during operation of the apparatus,

wherein the left and right cam members and the left and right movable members are configured so as to allow the feet of the user to impart forces on the left and right foot members to cooperate with the left and right cam members to vary the stride substantially instantaneously, and wherein the left and right portions of the apparatus are cross coupled so that the left foot member moves in opposition to the right foot member and the feet of the user may travel in a substantially closed path.

770. (New) A stationary exercise apparatus comprising:

a frame;

a crank system coupled to the frame;

a left arm link member coupled to the frame;

a right arm link member coupled to the frame;

a left foot member having a left foot pad and coupled to the left arm link member;

a right foot member having a right foot pad and coupled to the right arm link member;

a left cam member having a left cam surface, said left cam member pivotally connected to the left foot member and coupled to the crank system so that said left cam surface is proximal said left foot pad during operation of the apparatus so as to allow the left foot of the user to impart a force on the left foot member in cooperation with the left cam surface to vary the stride substantially instantaneously; and

a right cam member having a right cam surface, said right cam member pivotally connected to the right foot member and coupled to the crank system so that said right cam surface is proximal said right foot pad during operation of the apparatus so as to allow the right foot of the user to impart a force on the right foot member in cooperation with the right cam surface to vary the stride substantially instantaneously,

wherein the apparatus is configured such that the feet of the user may travel in a substantially closed path.